

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**ROBERT ALEXANDER and
PATRICIA ALEXANDER,**

Plaintiffs

v.

**WESTERN EXPRESS and
KUMOYE O. LEE,**

Defendants

: **CIVIL ACTION NO. 1:19-CV-1456**

: **(Chief Judge Conner)**

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ORDER

AND NOW, this 26th day of November, 2019, upon consideration of the report (Doc. 18) of Magistrate Judge Martin C. Carlson, wherein Judge Carlson recommends that we grant the motion (Doc. 3) by defendant Western Express for a more definite statement as to paragraph 33 of plaintiffs' complaint but deny the motion to the extent it seeks dismissal of Count III and plaintiffs' claim for punitive damages as well as to the extent it seeks a more definite statement as to paragraphs 19, 20, and 23, and it appearing that no party has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford "reasoned consideration" to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to "satisfy itself that

there is no clear error on the face of the record," FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court being in agreement with Judge Carlson's recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 18) of Magistrate Judge Carlson is ADOPTED.
2. Western Express's motion (Doc. 3) to dismiss or, in the alternative, for a more definite statement is GRANTED in part and DENIED in part as follows:
 - a. The motion (Doc. 3) is GRANTED to the extent it seeks a more definite statement as to paragraph 33 of the complaint. Plaintiffs shall file a more definitely statement, in accordance with Judge Carlson's recommendations, on or before **Tuesday, December 10, 2019**.
 - b. The motion (Doc. 3) is DENIED in all other respects.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania